

PROB 12C
(7/93)

Report Date: January 13, 2012

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAN 17 2012

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Juan Marcelino Mercado

Case Number: 2:09CR02067-001

Address of Offender: [REDACTED] Yakima, WA 98908

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Date of Original Sentence: 1/19/2010

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 24 Months;
TSR - 36 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Thomas J. Hanlon

Date Supervision Commenced: 3/25/2011

Defense Attorney: Diane E. Hehir

Date Supervision Expires: 3/24/2014

 PETITIONING THE COURT

To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
-------------------------	--------------------------------

- | | |
|---|--|
| 1 | <u>Special Condition # 18:</u> You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances. |
|---|--|

Supporting Evidence: Mr. Mercado tested positive for cocaine on December 19, 2011.

- | | |
|---|--|
| 2 | <u>Standard Condition # 3:</u> The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer. |
|---|--|

Supporting Evidence: Mr. Mercado failed to be truthful with his probation officer when questioned regarding his cocaine use on January 3, 2012.

On December 21, 2011, Mr. Mercado called the probation office and spoke with a probation officer. The defendant wanted to know if the drug test results were returned, and indicated he did not use, but was worried about the results. On January 3, 2011, Mr. Mercado spoke with this officer and wanted to know his drug test results. The defendant was advised that this officer had not seen the results, but would call Merit to check on the urinalysis testing status. Mr. Mercado was specifically asked if he had use to which he assured this officer he

Prob12C

Re: Mercado, Juan Marcelino

January 13, 2012

Page 2

had not. Later this same date this officer received Mr. Mercado's drug test results to which confirmed he tested positive for cocaine use on December 19, 2011.

- 3 **Special Condition #18:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Mercado consumed marijuana on December 31, 2011.

On January 4, 2012, this officer met with Mr. Mercado at which time he was confronted regarding his illegal drug use. Mr. Mercado signed the admission of drug use form admitting to having consumed marijuana on December 31, 2011.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/13/2012

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Warrant
☒ The Issuance of a Summons
☐ Other



Signature of Judicial Officer

1/17/2012
Date